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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,786	10/23/2001	Patrick McErlean	FKC-104US	3876

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT PAPER NUMBER

2155

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/035,786	Applicant(s) MCERLEAN, PATRICK	
	Examiner Victor Lesniewski	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) 10-17 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/27/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined.
2. Claims 1-21 are pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The IDS filed 9/27/2004 has been considered.

Specification

5. The abstract of the disclosure is objected to for the following reasons:
 - The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.

Appropriate correction is required. See MPEP § 608.01(b).

Claim Objections

6. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The applicant is required to cancel the claim, amend the claim to place it in proper dependent form, or rewrite the claim in

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independent form. Claim 10 recites the same limitations as stated in claim 1, the claim from which it depends, and does not state additional limitations to further limit its scope.

7. Claims 11-17 and 20 are also objected to due to their dependence on claim 10.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 6, 8-15, and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Busey et al. (U.S. Patent Number 6,665,395), hereinafter referred to as Busey.

10. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a method are rejected under the same rationale applied to the described claim.

11. Busey has disclosed:

- <Claims 1 and 18>

A control module for use in a computer chat system which includes one or more first chat clients (figure 1A, item 20); one or more second chat clients (figure 1A, item 28); and a chat server arranged to establish an on-line conference between a first chat client and at least one second chat client (figure 1A, item 12), by which conference said chat clients may exchange messages for rendering to respective client users (column 5, lines 15-21),

the control module being arranged to participate in said conference in order to receive messages from said chat clients, wherein upon receipt of a message from a first chat client, the control module is arranged to cause said received message to be analysed in order to determine the nature of the message, and is further arranged to cause a second chat client to be selected depending on said determined nature and to cause said message to be rendered by said selected second chat client (column 8, lines 6-34).

- <Claim 2>

A control module as claimed in Claim 1, wherein in respect of a first message received from a first chat client, the control module is arranged to cause said selected second chat client to join the conference and, in respect of the, or each, subsequent message received from said first chat client in respect of said conference, the control module is arranged to cause said subsequently received message to be analysed in order to determine the nature of the message, and to cause an alternative second chat client to be selected if the subsequently received message is not suitable for rendering by the currently selected second chat client (column 8, lines 6-34 and column 25, lines 55-63)

- <Claim 3>

A control module as claimed in Claim 2, further arranged to cause a selected alternative second chat client to join the conference and to cause said selected second chat client to leave the conference (column 25, lines 63-66).

- <Claim 4>

A control module as claimed in Claim 1, arranged to cause messages received from said first chat clients to be classified, according to message content, into at least one of a set of

message categories, wherein a second chat client is selected depending on the, or each, category into which a message is classified (column 24, lines 9-21).

- <Claim 6>

A control module as claimed in Claim 1, further arranged to receive messages sent from said second chat clients, wherein, upon receipt of a message from a selected client, the control module is arranged to cause said received message to be analysed in order to determine its suitability for rendering by a first chat client and, upon determining that said message is suitable, to cause at least one first chat client to render the message (column 9, lines 31-44).

- <Claim 8>

A control module as claimed in Claim 1, wherein the control module is arranged to participate in the on-line conference as a further chat client (column 3, lines 37-41).

- <Claim 9>

A control module as claimed in Claim 1, wherein each message is associated with a first flag for indicating whether or not the associated message is suitable for rendering by a chat client, wherein the control module is arranged to set the first flag to indicate approval for rendering (column 13, lines 46-55).

- <Claim 10>

A computer chat system including one or more first chat clients (figure 1A, item 20); one or more second chat clients (figure 1A, item 28); and a chat server arranged to establish an on-line conference between a first chat client and at least one second chat client (figure 1A, item 12), by which conference said chat clients may exchange messages for

rendering to respective client users (column 5, lines 15-21), the computer chat system further comprising a control module as claimed in Claim 1 (column 8, lines 6-34).

- <Claim 11>

A computer chat system as claimed in Claim 10, wherein each second chat client is associated with one or more message categories such that messages falling into at least one of said one or more message categories are appropriate for rendering by the respective second chat client (column 24, lines 9-21).

- <Claim 12>

A computer chat system as claimed in Claim 11, wherein the or each message category associated with a second chat client are dependant on the skills of the respective client user (column 3, lines 17-25).

- <Claim 13>

A computer chat system as claimed in Claim 10, wherein messages are associated with a second flag arranged to indicate the source the message and wherein the first and second chat clients are arranged only to render messages for which the associated second flag indicates that the message source is a second or first chat client respectively (column 13, lines 18-25).

- <Claim 14>

A computer chat system as claimed in Claim 10, wherein said second chat clients are arranged only to render messages in respect of which the associated first flag indicates approval for rendering (column 10, lines 17-26).

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- <Claim 15>

A computer chat system as claimed in Claim 10, wherein said first chat clients are arranged only to render messages in respect of which the associated first flag indicates approval for rendering (column 9, lines 62-66).

- <Claim 17>

A computer chat system as claimed in Claim 10, wherein said on-line conference is established across the Internet or other global computer network (column 4, lines 47-62).

- <Claims 19 and 21>

A computer program product comprising computer usable code stored on a computer usable medium and arranged to implement, when executed on a computer, a control module as claimed in Claim 1 (column 6, lines 51-55).

- <Claim 20>

A set of one or more computer program products comprising computer usable code stored on a computer usable medium and arranged to implement, when executed on a computer, a computer chat system as claimed in Claim 10 (column 6, lines 51-55).

Since all the limitations of the invention as set forth in claims 1-4, 6, 8-15, and 17-21 were disclosed by Busey, claims 1-4, 6, 8-15, and 17-21 are rejected.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5, 7, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busey, as applied above, in view of Buskirk, Jr. et al. (U.S. Patent Number 6,424,997), hereinafter referred to as Buskirk.

14. Busey disclosed an automatic call distribution system using computer network-based communication in which customers and agents can participate in an electronic chat and customers can be assigned to agents based on specific criteria. In an analogous art, Buskirk disclosed a system for classifying incoming messages in a communications network.

15. Although Busey did not explicitly state the use of text analysis in his system, Buskirk's system focuses on text analysis of incoming messages in a communications network. Since the inventions encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Busey by adding the ability to use text analysis as provided by Buskirk. Here, the combination satisfies the need for greater efficiency in exchanging information in a call center system. See Busey, column 3, lines 1-6.

16. Thereby, the combination of Busey and Buskirk discloses:

- <Claim 5>

A control module as claimed in Claim 4, associated with a text analyser arranged to apply a set of one or more rules to the message content in order to produce said at least one message category (Buskirk, column 3, lines 16-25).

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- <Claim 7>

A control module as claimed in Claim 6, wherein the control module causes the received message from said second chat client to undergo text analysis in order to detect words or phrases that are unsuitable for rendering by said at least one first chat client (Buskirk, column 3, lines 16-25).

- <Claim 16>

A computer chat system as claimed in Claim 10, further including a text analyser arranged to apply a set of one or more rules to the message text in order to produce said at least one message category (Buskirk, column 3, lines 16-25).

Since the combination of Busey and Buskirk discloses all of the above limitations, claims 5, 7, and 16 are rejected.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Anupam et al. (U.S. Patent Number 6,070,185) disclosed a server system in which a user seeking customer service over the world wide web is assigned to a customer service agent.
- Strandberg (U.S. Patent Number 6,330,243) disclosed a method for providing an electronic chat session between an inquiring party and an agent of an information provider.

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- Locascio (U.S. Patent Number 6,519,628) disclosed a method for providing customer service over a packet switched network wherein an operator interactively responds to messages from customers by sending messages over the network.
- Kusuda et al. (U.S. Patent Number 6,567,848) disclosed a system including a customer information terminal that is connected to one of a plurality of servers which are allocated by a dispatcher and is connected to an agent information terminal via its allocated server.
- Prince, Robert; Su, Jianwen; Tang, Hong; and Zhao, Yonggang, "The Design of an Interactive Online Help Desk in the Alexandria Digital Library," ACM SIGSOFT Software Engineering Notes, Proceedings of the International Joint Conference on Work Activities Coordination and Collaboration, March 1999, Volume 24 Issue 2, pgs. 217-226, disclosed the development of an interactive online help support system.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VZ

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